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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,901	09/25/2003	Tomoaki Kawai	1232-5164	8028
27123 7590 08/20/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NEGRO, WANDA M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,901

Applicant(s)

KAWAI ET AL.

Examiner

Wanda M. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-11,13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-11,13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 1 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 1 and 10** are objected to because of the following informalities:

Amended claims 1 and 10 recite in lines 9-10 and 11-12 respectively, "the multiple external devices during the image pickup apparatus is controlled". For clarity purposes, the Examiner suggests replacing the term "during" with the word --when--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 8, 10, 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai (Japanese Application Publication 2001-218194 A).**

4. Regarding **claim 10**, Kawai discloses an image delivery apparatus, i.e. an image distribution system (see paragraph [0008]), that delivers images acquired from an image pickup apparatus (16) to at least one of multiple external devices, i.e. terminal unit 14, the image pickup apparatus being remotely controllable by the multiple external devices (see paragraph [0017]), the image delivery apparatus comprising a data storage medium, i.e. a data-hold means (see paragraph [0010]), that stores a schedule which includes one or more sets of control data to control the image pickup apparatus, i.e. upload schedule information (434) and camera control pattern (433), and a priority level

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of authorization to control the image pickup apparatus for each of the sets, e.g. the priority given to the privilege control connection associated with the data-hold means that stores the schedule (see paragraph [0084]).

Kawai also discloses a schedule execution unit, i.e. a timer section 216 of camera server 11 (see last sentence of paragraph [0054]), that starts control of the image pickup apparatus based on the schedule, and a comparison unit, i.e. system control section 220, that compares, in a case where a request from one of the external devices is received when the image apparatus is controlled based on a schedule, a priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received. Specifically, Kawai discloses determining whether a connection command received is a privilege control connection request command or a general control connection request command (see figure 8, S608; see paragraph [0099]).

In addition, Kawai discloses a restriction unit, i.e. system control section 220 of the camera server apparatus 11 (see paragraph [0061]), that inhibits remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data, i.e. a privilege control connection (see paragraph [0084]), is higher than the priority level of the requesting external device, i.e. a general control connection (see paragraph [0084]) as a comparison result, i.e. if it is determined in S608 that the connection command is not a privilege control connection request but a general control connection request.

5. Regarding **claim 17**, Kawai discloses that the control data includes at least one of a zoom value, a pan control value and a tilt control value of the image pickup apparatus (see paragraph [0014]).

6. Method **claims 1 and 8** are drawn to the method of using the corresponding apparatus claimed in claims 10 and 17. Therefore method claims 1 and 8 correspond to apparatus claims 10 and 17 and are rejected for the same reasons of anticipation as used above.

7. Regarding **claims 19 and 20**, Kawai discloses a storage or recording medium readable and executable by a CPU with recorded program codes, which realize the function, described in claims 1 and 10 (see paragraph [0143]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2, 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A).**

10. Regarding **claims 11 and 13**, as mentioned in the discussion of claim 10 above, Kawai discloses all the limitations of the parent claim. Kawai, however, does not explicitly teach that, when the priority level of the requesting external device is higher than the priority level of the control data, said restriction unit does not inhibit remote

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control of the image pickup apparatus by the requesting external device, and a unit forcibly stops control by said schedule execution unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for system control section 220 to forcibly stop control by the schedule execution, and to permit remote control to a requesting device when said requesting device has a higher priority than the set of control data since it provides an override mechanism for higher priority users, and including this function to the system taught by Kawai involves only routine skill in the art.

11. Method **claims 2 and 4** are drawn to the method of using the corresponding apparatus claimed in claims 11 and 13. Therefore method claims 2 and 4 correspond to apparatus claims 11 and 13 and are rejected for the same reasons of obviousness as used above.

12. **Claims 6, 7, 9, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A) as applied to claims 1-5, 8, 11-14, 17 and 19-20 above, and further in view of Vaio (US 6,271,752 B1).**

13. Regarding **claims 15 and 16**, as mentioned in the discussion of claim 10 above, Kawai discloses all the limitations of the parent claim. Kawai, however, does not teach a detection unit that detects presence of an abnormality based on an image acquired from the image pickup apparatus during control by said schedule execution unit, which is an unattended operation since no user is required to perform the task, and a saving unit

that saves the image acquired from the image pickup apparatus when any abnormality is detected by said detection unit.

On the other hand, Vaios teaches a security surveillance system using a video camera with a motion sensor (see col. 3, lines 24-27), which transmits the video data obtained after a motion sensor is activated to a local computer system for storage (see col. 8, lines 50-58). However, Vaios does not explicitly teach that the detection is based on an image acquired from the camera. Official notice is taken that both the concept and the advantage of calculating the difference between two frames to detect motion in a video-monitored area are well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate a motion detecting unit for detecting motion in a monitored area and a storage unit for storing the associated video images, as disclosed by Vaios, to the image pickup apparatus taught by Kawai because, even during an unattended operation of the image pickup apparatus, images associated with an unauthorized intrusion are stored for later review by the police or an authorized user.

14. Regarding **claim 18**, Vaios teaches that a tracking operation is performed for an object moving in an image acquired from the image pickup apparatus (see col. 8, lines 50-54).

15. Method **claims 6, 7, and 9** are drawn to the method of using the corresponding apparatus claimed in claims 15, 16, and 18. Therefore method claims 6, 7, and 9 correspond to apparatus claims 15, 16, and 18 and are rejected for the same reasons of obviousness as used above.

Response to Arguments

16. Applicant's arguments filed on 6/11/2007 have been fully considered but they are not persuasive.

17. Applicant submits on page 7 that Kawai and Vaio, singly or in combination, do not teach or suggest a "comparison unit". The Examiner respectfully disagrees.

The Kawai reference discloses the step of determining whether a connection command received is a privilege control connection request command or a general control connection request command (see figure 8, S608; see paragraph [0099]). This step is interpreted as a comparison step since those ordinarily skilled artisans in the relevant art will recognize that this type of "IF..., THEN..." determination is conventionally performed by comparing a set of values. More specifically, in this case, a value associated with a first priority level, i.e. a value associated with a privilege control connection request, and a value associated with an arbitrary control connection request are compared. If the arbitrary control connection request has a second priority level, i.e. a value associated with a general control connection request, then the remote control request is inhibited, and the process continues to step S610.

In view of the teachings mentioned above, the Examiner submits that the Kawai reference does teach "a comparison unit" since said unit would be required to performed the comparison step mentioned above.

18. In addition, Applicant submits on page 9 that, since "Kawai does not disclose a comparison between the priority levels of each external device and the priority level of

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the operation client process", Kawai does not teach "a comparison unit" as recited in claim 10 of the instant application. The Examiner respectfully submits that the "operation client process" is the process associated with the remote clients, i.e. the external devices, not with the set of control data. Therefore, the argument that Kawai does not disclose a comparison between the priority levels of the external devices and the priority level of the operation client process is not a proper ground for concluding that Kawai does not teach the claimed "comparison unit".

For the foregoing reasons, the rejection is still deemed proper and has been maintained.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sato et al. (JP Application Publication No. 2001-245282) teach a priority-judging unit that judges the priority of a server in order for a client to control a monitoring camera.
- Uno (JP Application Publication No. 2000-244987) teaches a camera remote control system that compares priority and transfers camera control to the terminal with highest priority.
- Kuno (US Patent No. 6,067,624) discloses a camera control system which determines whether or not to shift the camera control privilege on the basis of a priority level set for each client.

- Amini et al. (US Patent No. 6,698,021) teach a surveillance system that can be controlled by remote users.
- Hendricks et al. (US Patent No. 6,675,386) teach an apparatus for video access and control over a network
- Kogane et al. (US Patent No. 6,323,897) disclose a network surveillance video camera network comprising a control circuit for controlling camera movement in accordance with control data from a control server that includes a priority table for increasing the priority of a video camera transmitting a detected event.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571)

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270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm
alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
August 15, 2007

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER